

DECLARATION OF YASUMICHI HITOSHI UNDER 37 C.F.R. §1.131	Application Number	09/843,159
	Confirmation Number	8575
	Filing Date	April 25, 2001
	First Named Inventor	Ying Luo
	Examiner	Manjunath Rao
	Group Art	1652
	Attorney Docket No.	RIGL-010CIP2

This Declaration with the attached Exhibits are being submitted in conjunction with the Applicants' Response to the Office Action dated April 16, 2003.

I, Yasumich Hitoshi, M.D., Ph.D., do hereby declare as follows.

1. I am currently the Director of Oncology at Rigel Pharmaceuticals, Inc. (hereinafter "Rigel"), and the work described in the above-referenced patent application was performed with my knowledge.
2. I understand that the claimed subject matter of the above-referenced patent application relates to assays for identifying agents that modulate the poly(A) ribose polymerase activity of Tankyrase H.
3. I have been asked to provide factual evidence relating to the activities of Rigel and Rigel's patent counsel with respect to the claimed subject matter, prior to October 25, 1999 (the filing date of the above-referenced patent application).

4. I have reviewed the Exhibits attached hereto and they all relate to the activities of Rigel or Rigel's patent counsel with respect the claimed subject matter, prior to October 25, 1999.
5. Prior to July 9, 1999, the inventors of the above-referenced patent application identified the sequence of the ADP-ribose polymerase domain of Tankyrase H and identified that Tankyrase H had poly(A) ribose polymerase activity. Evidence for this is provided in Exhibits A and B. All redacted dates are prior to July 9, 1999.
6. Further, between July 9, 1999, and July 21 1999, the inventors worked towards identifying the full length sequence of Tankyrase H for use in the above-referenced screening assays. Evidence for this is provided in Exhibit C. The dates have not been redacted in this exhibit.
7. Finally, between July 20, 1999 and October 25, 1999, the above-referenced patent application was drafted at the law firm of Flehr, Hobach, Test, Albritton and Herbert (hereinafter "Flehr), the law firm contracted to draft the above-referenced patent application. Evidence for this is provided in Exhibits D – H. The dates have not been redacted in these exhibits.
8. Exhibit A consists of a print-out of Tankyrase H amino acid and nucleic acid sequences. On pages, 2, 6 and 7 of this Exhibit, Tankyrase H is identified as having a poly(A) ribose polymerase domain. The date of the print-out was prior to July 9, 1999.
9. Exhibit B consists of a presentation that was made by Xiang Xu, an inventor, that identifies Tankyrase H as having poly(A) ribose polymerase activity on page 3. The date of this presentation was prior to July 9, 1999.
10. Exhibit C consists of signed laboratory notebook pages from Simon Yu, a colleague at Rigel Pharmaceuticals, Inc. These notebook pages show results of experiments directed towards identifying the full length sequence of Tankyrase H for use in the above-

referenced screening assays. The notebook pages are dated July 9, July 13, July 15, July 16 and July 21, 1999, respectively.

11. Exhibit D consists of a letter from Nicole Verona of Rigel to Ms. Robin Silva of Flehr, the law firm contracted to draft the above-referenced patent application. The letter references an invention disclosure (i.e., eight packages of information) for use in preparation of the above-referenced patent application. The date of the letter is July 20, 1999.
12. Exhibit E consists of a letter from Nicole Verona of Rigel to Ms. Robin Silva of Flehr. The letter references diskettes for use in preparation of the above-referenced patent application. The date of the letter is July 22, 1999.
13. Exhibit F consists of a file information page from Flehr, indicating that the file for the above-referenced patent application was opened on July 26, 2003.
14. Exhibit G consists of an e-mail dated August 30, 1999, from Nicole Verona of Rigel to Ms. Dolly Vance of Flehr regarding questions about the above referenced invention disclosure. The body of this e-mail contains text of previous e-mails dated August 20, 1999 and August 26, 1999, also relating to the above referenced invention disclosure.
15. Exhibit H consists of a letter from Nicole Verona of Rigel to Ms. Dolly Vance regarding further documents for use in drafting the above-referenced patent application. The date of the letter is September 30, 1999.
16. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18

of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: 9/15/03

Yasumichi Hitoshi

Yasumichi Hitoshi, M.D., Ph.D.

Attachments: Exhibits A - G